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7 A California Limited Partnership ("Lender")
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE HUE TUYET NGUYEN, DEBTOR

12 PMB CAPITAL, INC. FOR THE BENEFIT OF
13 PMB MORTGAGES, LP,
14 A California Limited Partnership ("Lender")

15
16 Plaintiff,

17 -vs-

18 HUE TUYET NGUYEN, debtor, JIM NGUYEN,
19 AMSTON BUILDERS, INC., AMSTON BUILDERS,
20 HOA LAM, LUKE LAM, ESTELL LAM,
SUZANNE DECKER, Chapter 7 Trustee

21 Defendants.
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24 Plaintiff, PMB CAPITAL, INC., FOR THE BENEFIT OF PMB MORTGAGES, LP, A
25 California Limited Partnership ("Lender"); AND THE DEBTOR, VIA THEIR ATTORNEYS,
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Case No. 09-59891 RLE7

Chapter 7

ADVERSARY NO. 10-05012

DISCOVERY PLAN

PER DISCOVERY CONFERENCE

HELD ON 4/9/2010 AT 2 P.M.

1 HEREBY FILE THE FOLLOWING DISCOVERY PLAN IN THE ABOVE CAPTIONED
2 CASE:

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4 1. Plaintiff will take the defaults of all parties except the debtor, after discovery is complete.

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6 2. Plaintiff and debtor HUE TUYET NGUYEN will take the depositions of each others clients,
7 as well as serve interrogatories of not more than 25 questions on each other and the other
8 defendants. Written requests for admissions may be taken by plaintiff and debtor.

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10 3. Written discovery only will be taken in the first 90 days from April 9, 2010.

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12 4. Plaintiff and debtor, through their attorneys, shall request, after July 4, 2010, that a Resolution
13 Advocate be appointed for this case, in accordance with the procedures of the BDRP. Written
14 discovery will take place 90 days from April 9, 2010. Thereafter, Settlement shall be discussed
15 by plaintiff and debtor for the next 90 days. If Settlement is not reached in that 90-day period,
16 then plaintiff and debtor will set tentative trial dates and time needed for trial. Written discovery
17 will be permitted at any time up to the discovery cutoff date.

18
19 5. E discovery as to emails (regarding property construction and thereafter) will be provided by
20 plaintiff and debtor to the extent that such emails are available, in printed paper form. They will
21 be included in the Initial Disclosures to be delivered to respective counsel within 14 calendar
22 days from the Discovery Conference held on 4/9/2010.

23
24 6. Plaintiff is to disclose (within 14 calendar days from the Discovery Conference) to debtor
25 why the plaintiff is entitled to act for the other PMB entity,

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27 7. It is agreed by the parties hereto that the Court has the jurisdiction to enter final orders herein.
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1 8. It is agreed that plaintiff and debtor shall ask the Court to set a second telephonic status
2 conference in October or November of 2010.

3
4 9. Plaintiff and debtor agree that it is too soon to set a discovery cutoff date.

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6 10. Plaintiff will prepare as soon as possible a detailed description (and related financial records)
7 of how damages are calculated, including a description of the foreclosure sale of the property,
8 and the sale to Crouch. This will include a description of those liens that were eliminated by the
9 foreclosure sale, and will describe those financial matters that remain unresolved by plaintiff, or
10 assumed by the new owner of the property. This disclosure will also include the Trustee's Sale
11 Guarantee (title policy) showing the liens at time of foreclosure sale, as well as any profit-
12 sharing/participation agreements between the new owner and plaintiff.

13
14 11. It is too early to present plaintiff's and debtor's claims and defenses.

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16 12. Plaintiff's attorney will draft the Status Conference Statement and submit it to debtor, so that
17 it can be filed 7 days before the Status Conference set for 5/27/2010.

18
19 Respectfully submitted,

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21 Leon Vickman, a Law Corporation

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23 Cathleen Cooper Moran, Moran Law Group